

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

ALFRED L. WILLIAMS,)	C/A No.: 4:05-cv-2322-TLW-TER
)	
Petitioner,)	
v.)	
)	ORDER
)	
COLIE RUSHTON; and HENRY D. McMASTER,)	
ATTORNEY GENERAL OF THE STATE OF)	
SOUTH CAROLINA,)	
)	
Respondents.)	
)	

This matter is now before the Court upon the Magistrate Judge's recommendation that the respondents' motion for summary judgment be granted. The *pro se* petitioner, an inmate at the South Carolina Department of Corrections, seeks *habeas corpus* relief under Title 28, United States Code, Section 2254. (Doc. # 1). The respondents filed a motion for summary judgment on December 29, 2005. (Doc. # 12). Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the petitioner was advised by Order filed January 3, 2006 that he had thirty-four (34) days to file any material in opposition to the motion for summary judgement. (Doc. # 14). Petitioner requested two separate extensions of time to file his response in opposition to the motion for summary judgment (Docs. # 16, # 21). Despite both motions being granted, the petitioner failed to file his response in opposition to summary judgment within the allotted time. United States Magistrate Thomas E. Rogers, III filed a Report and Recommendation ("Report") on April 19, 2006, recommending dismissal of the action for failure to prosecute. (Doc. # 23). The petitioner filed his response in opposition to the motion for summary judgment on April 20, 2006, and thereafter moved to have the Report and Recommendation reconsidered. (Docs. # 24, # 26). This Court then declined to adopt the Report and Recommendation and granted the petitioner's motion for reconsideration. (Doc. # 27). On August 11, 2006, Magistrate Judge Thomas E. Rogers, III filed another

Report and Recommendation recommending that the respondents' motion for summary judgment be granted. (Doc. # 28). The petitioner had until August 28, 2006 to file objections to the Report. On August 25, 2006, the petitioner filed a motion for extension of time to file objections to the Report and Recommendation. (Doc. # 29). This motion was granted by Order filed September 19, 2006, and the deadline for filing objections to the Report and Recommendation was extended until Friday, September 22, 2006. (Doc. # 30). No objections have been filed.¹

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 28), and the respondents' motion for summary judgment is **GRANTED**.

AND IT IS SO ORDERED.

September 29, 2006

Florence, South Carolina

s/ Terry L. Wooten

TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

¹On September 27, 2006, petitioner filed a one sentence document indicating that he would like to have his "case be dropped without prejudice due to the fact that I have evidence that is procedurally disbarred." The document makes no specific objection to any portion of the Report and Recommendation. After careful review and consideration of petitioner's request, this Court finds that there is no basis to grant a dismissal without prejudice at this late stage of the litigation. For the reasons outlined in the Order above and the Magistrate Judge's Report, this Court determines it is appropriate to accept the Report and grant respondents' motion for summary judgment.